

COMMISSION ON STATE MANDATES
NOTICE AND AGENDA¹

State Capitol, Room 126
Sacramento, California

March 29, 2007
9:30 A.M.

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES (action)
- Item 1 January 25, 2007
- III. PROPOSED CONSENT CALENDAR (action)
- Item 2 If there are no objections to any of the following action items designated by an asterisk (*), the Executive Director will include it on the Proposed Consent Calendar that will be presented at the hearing. The Commission will determine which items will remain on the Consent Calendar.
- IV. APPEAL OF EXECUTIVE DIRECTOR DECISIONS PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1181, SUBDIVISION (c). (action)
- (Note: This item is limited to appeals regarding this month's agenda items.)
- Item 3 Staff Report (if necessary)
- V. HEARINGS AND DECISIONS ON CLAIMS, PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 7 (Gov. Code, §§ 17551 and 17559) (action)
- (Note: Items 6 and 8 will not be voted on unless the staff recommendations for Items 5 and 7 are adopted.)**
- A. REQUEST FOR RECONSIDERATION OF PRIOR FINAL DECISION PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 1188.4
- Item 4* Proposed Statement of Decision
Binding Arbitration, 01-TC-07
Code of Civil Procedure, Sections 1281.1, 1299, 1299.2, 1299.3, 1299.4, 1299.5, 1299.6, 1299.7, 1299.8, and 1299.9
Statutes 2000, Chapter 906 (SB 402)
City of Palos Verdes Estates, Claimant
Chair, Commission on State Mandates, Requestor

¹. This public meeting notice is available on the Internet at <http://www.csm.ca.gov>.

B. TEST CLAIMS

- Item 5 *Training Requirements for Instructors and Academy Staff*, 02-TC-03
California Code of Regulations, Title 11, Sections 1001, 1052, 1053,
1055, 1070, 1071, and 1082 (Register 2001, No. 29)
County of Sacramento, Claimant

- Item 6 Proposed Statement of Decision
Training Requirements for Instructors and Academy Staff, 02-TC-03
See Above

- Item 7 *Re-Districting Senate and Congressional Districts*, 02-TC-50
Statutes 2001, Chapter 348 (AB 632)
Senate Elections and Reapportionment Committee Instructions Issued on
September 24, 2001;
County of Los Angeles, Claimant

- Item 8 Proposed Statement of Decision
Re-Districting Senate and Congressional Districts, 02-TC-50
See Above

VI. INFORMATIONAL HEARING PURSUANT TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, CHAPTER 2.5, ARTICLE 8 (action)

A. ADOPTION OF PROPOSED PARAMETERS AND GUIDELINES AMENDMENTS

- Item 9* Amendment to Parameters and Guidelines to Correct Reimbursement
Period
Removal of Chemicals, 06-PGA-01
Education Code Section 49411
Statutes 1984, Chapter 1107 (AB 3820)
As Amended by Statutes 1994, Chapter 840 (AB 3562)

B. PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 2, DIVISION 2, CHAPTER 2.5 (action)

- Item 10* Adoption of Proposed Regulatory Action – Incorrect Reduction Claim
Process
Proposed Amendments to California Code Of Regulations, Title 2,
Chapter 2.5, Article 5. Incorrect Reduction Claims, Commencing With
Section 1185

C. ADOPTION OF COMMISSION ORDER TO INITIATE RULEMAKING

- Item 11* Parameters and Guidelines: Reasonable Reimbursement Methodologies and
Statewide Cost Estimates
Proposed Amendments to California Code of Regulations, Title 2, Chapter 2.5,
Article 3, sections 1183.1 through 1183.3.

D. PRESENTATION AND DISCUSSION OF MANDATE REFORM PROPOSALS
10:00 A.M.

- Item 12 Department of Finance Proposal
Legislative Analyst's Proposal
Public Comment

VII. STAFF REPORTS

- Item 13 Mandate Reform Legislation (info/action)
- Item 14 Chief Legal Counsel's Report (info)
Recent Decisions, Litigation Calendar
- Item 15 Executive Director's Report (info/action)
Workload, Budget, Legislation, and Next Hearing

VIII. PUBLIC COMMENT

IX. CLOSED EXECUTIVE SESSION PURSUANT TO GOVERNMENT CODE SECTIONS 11126 and 17526 (action).

A. PERSONNEL

Report from Personnel Subcommittee and to confer on personnel matters pursuant to Government Code sections 11126, subdivision (a) and 17526.

B. PENDING LITIGATION

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matters pursuant to Government Code section 11126, subdivision (e)(1):

1. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01069, CSM Case No. 03-L-01, consolidated with *County of Los Angeles v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS087959, transferred to Sacramento Superior Court, Case No. 05CS00865, CSM Case No. 03-L-11 [*Animal Adoption*]
2. *State of California, Department of Finance v. Commission on State Mandates, et al.*, Sacramento Superior Court Case No. 03CS01432, CSM Case No. 03-L-02 [*Behavioral Intervention Plans*]
3. *CSAC Excess Insurance Authority v. Commission on State Mandates, et al.*, California Supreme Court, Case No. S149772, on appeal from Second District Court of Appeal; Second District Court of Appeal, Case Number B188169, on appeal from Los Angeles Superior Court Case No. BS092146, CSM Case No. 04-L-01 [*Cancer Presumption for Law Enforcement and Firefighters and Lower Back Injury Presumption for Law Enforcement*], consolidated with *City of Newport Beach v. Commission on State Mandates, et al.*, Los Angeles Superior Court Case No. BS095456, CSM Case No. 04-L-02 [*Skin Cancer Presumption for Lifeguards*]

4. *County of Los Angeles, et al. v. Commission on State Mandates, et al.*, Second District Court of Appeal [Los Angeles] Case Number B183981, CSM Case No. 04-L-03, (Los Angeles Superior Court Nos. BS089769, BS089785) [*Transit Trash Receptacles, et al./Waste Discharge Requirements*]
5. *County of San Bernardino v. Commission on State Mandates, et al.*, Los Angeles County Superior Court, Case No. BS106052; San Bernardino County Superior Court, Case No. SCVSS 138622 [*Standardized Emergency Management Systems (SEMs)*]
6. *California School Boards Association, Education Legal Alliance; County of Fresno; City of Newport Beach; Sweetwater Union High School District and County of Los Angeles v. Stat of California, Commission on State Mandates and Steve Westly, in his capacity as State Controller*, Sacramento County Superior Court, Case No. 06CS01335; [AB 138; *Open Meetings Act, Brown Act Reform, Mandate Reimbursement Process I and II; and School Accountability Report Cards (SARC) I and II*]
7. *Department of Finance v. Commission on State Mandates*, Sacramento County Superior Court, Case No. 07CS00079, CSM 06-L-02, [*Peace Officer Procedural Bill of Rights*]

To confer with and receive advice from legal counsel, for consideration and action, as necessary and appropriate, upon the following matter pursuant to Government Code section 11126, subdivision (e)(2):

Based on existing facts and circumstances, there is a specific matter which presents a significant exposure to litigation against the Commission on State Mandates, its members and/or staff (Gov. Code, § 11126, subd. (e)(2)(B)(i).)

X. REPORT FROM CLOSED EXECUTIVE SESSION, RECONVENE IN PUBLIC SESSION

XI. ADJOURNMENT

For information, contact:

Paula Higashi, Executive Director
 980 Ninth Street, Suite 300
 Sacramento, CA 95814

(916) 323-8210
 (916) 445-0278 Fax
 Email: paula.higashi@csm.ca.gov